

Notice of Allowability

Application No.

10/633,422

Examiner

Robin A. Hylton

Applicant(s)

HEIBERG ET AL.

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the election filed June 24, 2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3-21-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ROBIN A. HYLTON
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

2. Claims 16-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 24, 2005.
3. This application is in condition for allowance except for the presence of claims 16-19 to an invention non-elected without traverse. Accordingly, claims 16-19 have been cancelled.
4. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach nor fairly suggest a hinged container as claimed wherein a spring is held at opposed ends by the container and the lid to bias the container to an open position. The spring of claim 1 having an area maximum thickness centrally between the opposed ends, said spring tapering in opposite directions from said central area of maximum thickness to a minimum thickness at each opposed end, said spring said open position extending a substantially linear position and elastically resisting pivotal movement of said lid to said closed position, said spring, upon manual movement of said lid to said closed position, folding centrally at said area of maximum thickness against an inherent elastic memory in said spring biasing said spring to said linear position. The spring of claim 12 being of a generally elliptical configuration with a central area of maximum thickness and longitudinally opposed ends of minimum thickness, in said

Art Unit: 3727

open position of said lid, extending linearly with minimal elastic deformation, said spring, in said closed position of said lid, being folded at the area of maximum thickness centrally on itself and in maximum elastic deformation.

The patent to Saito et al. teaches a spring having a thickened central portion and tapered ends. The patent, however, does not teach nor fairly suggest the spring folds at the thickened central portion. The spring of Saito et al. is used in linear situations and to provide the spring in a container hinge portion would destroy the reference.

The patent to Beeck et al each teach a seal member between two components. The seal member responds to linear stress and/ or compression. There is no motivation, teaching or suggestion that the seal of Beeck is folded at the thickened central portion or that it would fold at the central portion to work as that claimed.

Other prior art references teach hinged container and lid combinations having biasing springs. However, there is no teaching or suggestion to modify the springs to render the claimed invention obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

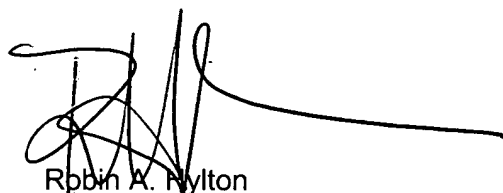
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin A. Hylton whose telephone number is 571/272-4540. The examiner can normally be reached on Monday-Friday 9:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571/272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH
September 5, 2005

A handwritten signature in black ink, appearing to read 'R. Nylton', with a long horizontal line extending to the right.

Robin A. Nylton
Primary Examiner
GAU 3727